

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

**1. ARLETA WATSON,**

**Plaintiff,**

**v.**

**Case No. CIV-20-1011-F**

**1. VICI COMMUNITY  
DEVELOPMENT CORP.**

**and**

**2. CINDY ARNOLD,**

**Defendants.**

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**PLAINTIFF'S OBJECTION TO THE DEFENDANTS' MOTION TO  
EXTEND THE TIME TO FILE AN OBJECTION TO THE PLAINTIFF'S  
MOTION FOR ATTORNEY'S FEES**

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Ms. Teresa L. Webster, OBA No. 30767

Legal Aid Services of Oklahoma, Inc.

530 Court Street

Muskogee, Oklahoma 74401

Telephone: 918-683-5681

Facsimile: 918-683-5690

Email: [Teresa.Webster@laok.org](mailto:Teresa.Webster@laok.org)

DATE: June 10, 2022

## **INTRODUCTION**

**COMES NOW**, Teresa L. Webster, Counsel for the Plaintiff, Arleta Watson, pursuant to the Order of the Court dated June 8, 2022 and objects to the Defendants' motion to extend the time to file an objection to the motion for attorney's fees. To support the objection, the Plaintiff states the following:

1. Plaintiff, Ms. Watson, filed her motion for attorney's fees on May 24, 2022. (Doc. 82).

2. The deadline for the Defendant's objection was June 7, 2022.

3. On June 8, 2022, after the deadline passed, the Defendants requested leave of the Court to file their objection to the Plaintiff's attorney fee motion, with a filing date of June 10, 2022, over the Plaintiff's objection.

4. The Defendants' proffered reason for not timely filing its objection was that counsel mistakenly believed that she had twenty-one days to file the objection instead of fourteen days.

5. Throughout the course of the litigation, Defendants' counsel(s) has filed three additional requests to extend the time or to file documents out of time.

6. The supporting bases for the majority of the motions to extend the time or to allow the Defendants to file documents out of time have been due to the Defendants' counsels failure to correctly calendar deadline dates for responses.

7. **Fed. R. Civ. P. 6 (b) (1) (B)** permits the Court to grant leave to a party to perform an act out of time "if party failed to act because of excusable neglect."

8. The 10<sup>th</sup> Circuit has stated, “[A]s a matter of law, ... an attorney's misunderstanding of the plain language of a rule cannot constitute excusable neglect such that a party is relieved of the consequences of failing to comply with a statutory deadline.” United States v. Torres, 372 F.3d 1159, 1163 (10th Cir. 2004).

9. The Defendants’ failure to review **LCvR. 54.2** to correctly identify the deadline for the Defendants’ response to the Plaintiff’s Motion for Attorney’s Fees does not constitute excusable neglect.

10. The Defendants’ failure to act was not because of excusable neglect. Therefore, this Court should sustain the Plaintiff’s objection.

### **CONCLUSION**

**WHEREFORE**, the Plaintiff moves this Court to sustain her objection as prayed.

Dated: June 10, 2022

Respectfully Submitted,  
*Attorney for the Plaintiff*,  
Arleta Watson

Teressa L. Webster  
Teressa Webster, OBA No. 30767  
Legal Aid Services of Oklahoma, Inc.  
530 Court Street  
Muskogee, Oklahoma 74401  
918-683-5681 – telephone  
918-683-5690 – facsimile  
Email: [Teressa.webster@laok.org](mailto:Teressa.webster@laok.org)

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of June 2022, I served a true and correct copy of the foregoing document on the Defendants by serving said copy on their Counsel of record through this Court's electronic filing case management system:

Ms. Lindsay Kistler: : [lindsay@kistlerlegallgroup.com](mailto:lindsay@kistlerlegallgroup.com)

*Attorney for the Defendants*

Vici Community Development Corporation

Cindy Arnold

s/ Teresa L. Webster

Teressa L. Webster OBA #30767